

REMARKS:Status

A Final Office Action was mailed on May 31, 2005. A response to that Office Action was mailed on Aug. 3, 2005. The response did not amend the claims. An Advisory Action was mailed by the Office on Aug. 15, 2005. A Request for Continued Examination is being filed with this response, entry of which is therefore proper.

After entry of this response, claims 1, 3 to 6, and 12 to 24 will be pending. Claims 22 to 24 have been added. Claims 1, 12 and 17 are the independent claims. Reconsideration and further examination are respectfully requested.

Discussion of Rejection

Discussion of Advisory Action: The Attachment for Advisory Action set forth the Examiner's reasoning for maintaining the rejection of claims 1, 3 to 6, and 12 to 21 under § 102(e) over Malmgren. This attachment included the following statement: "As illustrated in Figures 1, 2, and 3 the reference utilizes two downlink channels the BCCH and the ACH to inform CPE equipment of selections." While generally true, this statement is factually incorrect in the case of PHY parameters for the uplink.

Figure 1 shows the BCCH and ACH frame structure used by Malmgren. The discussion of Figure 1 in Malmgren does not specifically mention PHY parameters.

Figure 2 clearly shows that the PHY parameters for the uplink and downlink are transmitted in the BCCH. Please note the lines connecting the BCCH block to the PHY block in the figure. Applicant's interpretation in this regard is supported by the following statement at page 7, lines 22 to 24, of Malmgren: "In this embodiment radio cell adaptation parameters *are only transmitted in the BCCH* (or some other permanent or temporary 'control channel' for broadcasting messages)" (emphasis added).

Figure 3 clearly shows that the PHY parameters for the uplink are transmitted in the BCCH. Please note the lines connecting the BCCH block to the PHY block that is connected to the UP LINK part of the figure by arrows 10 and 12. This is in contrast to the PHY block that is connected to the DOWN LINK part of the figure by arrows 18 and 20, which is instead connected by lines to the ACH block.

Thus, Figures 1, 2, and 3 do *not* show that the reference (Malmgren) utilizes two downlink channels the BCCH and the ACH to inform CPE equipment of selections *for PHY parameters for uplink*.

Previously Presented Claims: Claims 1, 3 to 6, and 12 to 21 were rejected under 35 U.S.C. § 102(e) over WO 00/22865 (Malmgren). Applicant respectfully traverses this rejection.

Claim 1 is reproduced below as pending:

1. A method of controlling selection of parameters for automatic retransmission in a point-to-multipoint wireless communication link having an upstream portion for communicating data from a plurality of customer premises equipment (CPE) to a base station controller (BSC) and a downstream portion for communicating data from the base station controller to the plurality of customer premises equipment, the method comprising the steps of:

selecting physical and media access control (MAC) parameters for automatic retransmission, the physical and MAC parameters for the downstream portion being selected independently for each customer premises equipment of the plurality of customer premises equipment and physical and MAC parameters for the upstream portion being selected independently for said each customer premises equipment; and

including the physical and MAC parameters in a control section of a frame, the control section for sending control information downstream.

Malmgren is not believe by Applicant to disclose the foregoing features, at least with respect to “selecting physical and media access control (MAC) parameters for automatic retransmission, ... physical and MAC parameters for the upstream portion being selected independently for said each customer premises equipment.”

As noted in the Office Action, Malmgren at page 1, line 25, to page 2, line 5, discloses that separate parameters need to be defined for uplink and downlink channels to optimize performance. However, this is different from selecting parameters independently for each customer premises equipment for uplink portions, as claimed.

Also as noted in the Office Action, Malmgren at page 3, lines 28 and 29, discloses that a “drawback [of] GRPS [is that] it is not possible to change channel coding during retransmission.” While this certainly implies the desirability of being able to change channel coding during retransmission, nothing in this statement implies the desirability of changing such coding (i.e., coding parameters) independently for each customer premises equipment for uplink portions, as claimed.

The Detailed Description in Malmgren also is not seen to teach this feature of claim 1. In the exemplary embodiment illustrated by Figure 2, “[t]he single PHY parameter setting (which is

dynamically varying) could be used for some or all connections.” Malmgren, page 7, lines 31 to 33. The description of this embodiment further refers to “a common indicator.” Malmgren, page 8, lines 6 and 7. These teachings certainly do not teach or even suggest selecting MAC and PHY parameters independently for each customer premises equipment for uplink portions, as claimed.

In the exemplary embodiment illustrated by Figure 3, “a single PHY mode is used in the uplink for all MTs.” Malmgren, page 8, lines 16 and 17. While Malmgren does disclose that “downlinks are individually adapted” at page 8, lines 24 to 26, this same part of Malmgren states that “all uplinks are adapted in the same way as in the embodiment of fig. 1.” Again, these teachings certainly do not teach or even suggest selecting MAC and PHY parameters independently for each customer premises equipment for uplink and downlink portions, as claimed.

In view of the foregoing, Malmgren is not believed by Applicant to teach the embodiment of the invention recited by claim 1.

The other independent claims, namely claims 12 and 17, also recite features along the lines of the feature of claim 1 discussed above. Therefore, independent claims 1, 12 and 17 and their dependent claims are believed to be allowable over Malmgren for at least these reasons. Such action is respectfully requested.

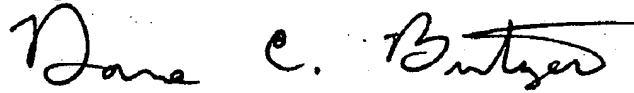
New Claims: New claims 22 to 24 recite allocating a first part of the upstream portion (or information) as shared and some part of the upstream portion (or information) as unshared when there are messages received but not yet acknowledged. Applicant does not see any such teaching in Malmgren. Thus, these new claims are believed to be allowable over Malmgren for this additional reason as well.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dane C. Butzer". The signature is fluid and cursive, with the first name "Dane" being the most prominent.

Dane C. Butzer
Reg. No. 43,521

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Swernofsky Law Group PC
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700